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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,826	04/21/2004	Damian Costa	#1702	5295

7590 02/06/2006

Sequoia Communications
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EXAMINER


NGUYEN, LINH V

ART UNIT PAPER NUMBER

2819

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/828,826	Applicant(s) COSTA ET AL.	
	Examiner Linh V. Nguyen	Art Unit 2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 10/5/05. Claims 1 and 2 have been amended. Claims 1 – 8 are pending on this application.

Response to Arguments

2. Applicant's arguments filed 10/5/05 have been fully considered but they are not persuasive

With respect to amended claims 1 and 2, under Remark/Arguments applicant argued Dhong does not disclose "bias signal that varies linearly with an input signal", examiner respectfully disagrees from the following:

The claimed invention is claiming for *a circuit that output a bias signal that varies linearly with an input signal*, the circuit comprising: an input emitter-follower stage that receives an input signal and produces the bias signal at an output terminal; a gain stage coupled to the emitter-follower stage; a load coupled to the emitter-follower stage; and a feedback circuit coupled to the load and the gain stage. As claiming above, to achieve *that output a bias signal that varies linearly with an input signal*, the circuit needs to have the structures as claimed in the body of the claim invention. Since Dhong (Fig. 3 and 4) from previous office action disclosed a bias circuit having the same structures as the claim invention, therefore the output bias that varies linearly with an input signal must be intrinsic to the bias circuit of Dong.

Further more, the recitation that *"output a bias signal that varies linearly with an input signal"* has not been given patentable weight because it has been held that a

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preamble is denied the effect of a limitation where the claim is drawn to a structure and portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. (*Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Per explained above, Dhong from previous office action is applying to this office action

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dhong et al. U.S Patent Number 5,343,092.

Regarding to claim 1, Figures 3 and 4, Dhong et al. discloses a buffer circuit that outputs a bias signal that varies linearly with an input signal (see above explain) the buffer comprising: an input emitter-follower stage (Q 1) that receives the input signal (T) and produces the bias signal at an output terminal (OUTPUT); a gain stage (Q2) coupled to the emitter-follower stage (Q1); a load (RZ) coupled to the emitter-follower stage Q1); and a feedback circuit (D1) coupled to the load and the gain Stage.

Regarding to claim 2, a bias circuit that outputs a bias signal for biasing an amplifier, the bias circuit comprising: an input stage (Q 1) that receives an input signal

(T) and produces the bias signal at an output terminal (OUTPUT) that is coupled to a gain stage (Q2); a load (RZ) coupled to the input stage (Q1) at a first terminal (Z); and a feedback circuit (D1) coupled between the first terminal (Z) and the gain stage (Q2).

Regarding to claim 3, the bias circuit of claim 2, wherein the input stage comprises an Emitter follower input stage (Q 1).

Regarding to claim 4, the bias circuit of claim 2, wherein the gain stage comprises a common-emitter gains stage (Q2) that has a base terminal.

Regarding to claim 5, the bias circuit of claim 4, wherein the feedback circuit (D1) is coupled between the first terminal (Z) and the base terminal (b of Q2).

Allowable Subject Matter

5. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (571) 272-1810. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rexford Barnie can be reached at (571) 272-7492. The fax phone numbers for the organization where this application or proceeding is assigned are (571-273-8300) for regular communications and (571-273-8300) for After Final communications.

01/24/06

Linh Van Nguyen

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REXFORD BARNIE
SUPERVISORY PATENT EXAMINER